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Via e-mail:
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4 February 2020

Dear Simon

**ENVIRONMENT AGENCY RESPONSE (REF: 74320/APP/2019/3187)
HS2 COLNE VALLEY VIADUCT**

I am writing to raise concerns regarding the Environment Agency's response to a recent consultation undertaken by the council on the HS2 Colne Valley Viaduct.

The Colne Valley Viaduct will be one of the largest in the UK requiring significant engineering and is of a hugely complex design. Unfortunately, the viaduct is located within a highly sensitive natural environment in the Colne Valley; it traverses multiple wetland habitats, designated (local, regional and national) nature conservation sites, several lakes used for recreational activity and will be located in (with piling through) source protection zones for public water supplies.

Concerns related to the impact on public water supplies have been raised directly by local MPs with the Environment Agency, by the London Assembly and on several occasions by the Council and residents. The Environment Agency will be acutely aware of several protests in and around the area linked to the piling into the aquifer and subsequent concerns on public water supply.

Furthermore, the works also involve the diversion of a major river and to date there has been no information on the impacts of the project on the water resources, or the spring fed lakes.

The Council did not receive comments on the consultation from the Environment Agency within the time allotted and consequently chased a response as it was essential to hear the views of the lead environmental regulator. The response received by the Council, on 21 January 2020 is set out in its entirety:

The EA have no comments to make on this, please note if we do not respond within the consultation period that you can take this as no comment

In the first instance, the Council will not take silence from the Environment Agency as a default position of 'no comments' on parts of the HS2 project that have far reaching impacts and that relate directly to the Environment Agency's statutory duties; it was therefore expected that the Council would seek clarity regarding the response.

As to the substance of the eventual response, the Council finds this entirely inadequate and unhelpful; it completely undermines the purpose of Schedule 17 and the role of the Environment Agency as defined by Parliament when it confirmed the scope of the Act.

The grounds set out in Schedule 17 of the Act, under which the Viaduct designs were submitted, are very limited but not so limited as to disengage any meaningful input from the Environment Agency. Furthermore, the Environment Agency is specifically required to be consulted in relation to HS2 proposals that may affect the following:

- c) *the conservation of the natural beauty or amenity of inland or coastal waters or land associated with them,*
- (d) *the conservation of flora or fauna which are dependent on an aquatic environment,*
- (e) *the use of inland or coastal waters, or land associated with them, for recreational purposes*

The Colne Valley viaduct will dissect the Colne Regional Park which has multiple conservation designations (c), has multiple nature conservation designations directly linked to flora and fauna reliant on the aquatic habitat (d) and crosses many spring fed lakes that have a range of recreational uses (e). Providing no comment on a part of the project of this scale and nature raises questions as to the purpose of the Environment Agency as a statutory consultee.

The Council has now been placed in an extremely difficult position by the Environment Agency's response. The Council has secured an extension from HS2 Ltd until 5 March to make a decision on the submission; as it stands, Council officers have no choice but to present the Environment Agency's non descriptive response to the HS2 planning committee. This is far from ideal and will

not allay significant concerns with this part of the project. Therefore in the little time remaining before determination and within two weeks, I would request that:

1 - You provide clarification of the impacts of the Viaduct on the matters related to [c], [d] and [e] as set out above. In particular, we would like to understand what evidence the Environment Agency relies on to reach any conclusions.

2 - We also request that you provide a clear understanding of your views on the impacts of the Viaduct on the aquifers, source protection zones and public water supply and again, what information and evidence any views are based on. In particular, we understand the general water usage in construction of the project is far greater than previously understood whilst the impacts of the Viaduct on water supplies was also underestimated. The Council needs to be sure that the design of the Viaduct does not impact on water supplies in this catchment, which we understand is heavily water stressed and serves an area designated as having an 'environmental drought' by the Environment Agency.

3 - Finally, we need to understand that the diversion of the Colne Valley is appropriate and will not impact on flood risk management and the nature conservation interests in the area.

Given the seriousness of the matter, a copy of this letter will be sent to the two MPs for the constituencies within the borough that the Viaduct will have an impact, David Simmonds and Boris Johnson; a copy has also been sent to the Department for Transport as this raises significant questions about the implementation of the Act.

Yours sincerely



Ian Thynne
Planning Specialists Team Manager

Cc - Tom Hinds, Department for Transport

Cc - Tony Grayling, Environment Agency

Cc - David Simmonds CBE, MP for Ruislip, Northwood and Pinner

Cc - Boris Johnson, MP for Uxbridge